



Federal Communications Commission  
Washington, D.C. 20554

December 20, 2005

**DA 05-3233**

**Released: December 20, 2005**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Televicentro of Puerto Rico, LLC  
WIRS(TV)  
c/o LIN Television Corporation  
4 Richmond Square  
Providence, RI 02906

Re: Televicentro of Puerto Rico, LLC  
WIRS(TV), Yauco, PR  
Facility ID No. 39887  
File No. BRCT-20041001AVR

Dear Licensee:

This refers to your license renewal application for station WIRS(TV), Yauco, PR.

Under the Commission's rules implementing the Children's Television Act of 1990 (CTA),<sup>1</sup> each television broadcast station licensee has an obligation, during its license term, to air programming that serves the educational and informational needs of children through both the licensee's overall programming and programming "specifically designed" to educate and inform children (core programming).<sup>2</sup> The Commission's rules require commercial licensees to provide information to the public about the shows they air to fulfill their obligation. Section 73.3526(e)(11)(iii) of the Rules requires each commercial television broadcast station to prepare and place in its public inspection file a Children's Television Programming Report for each calendar quarter reflecting, *inter alia*, the efforts it has made during the quarter to serve the educational needs of children. As set forth in Section 73.3526, licensees are also required to file the reports with the Commission and to publicize for the public the existence and location of the reports. Section 73.3526 of the Rules also requires broadcast licensees to maintain a public inspection file containing specific types of information related to station operations.<sup>3</sup>

On October 1, 2004, you filed a license renewal application (FCC Form 303-S) for station WIRS(TV), Yauco, Puerto Rico (File No. BRCT-20041001AVR). In response to Section IV, Question 10 of that application, you certified that, station WIRS(TV) failed to publicize the

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<sup>1</sup> Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394.

<sup>2</sup> 47 C.F.R. § 73.671.

<sup>3</sup> *See* 47 C.F.R. § 73.3526.

existence and location of the station's Children's Television Programming Reports, as set forth in Section 73.3526(e)(11)(iii) of the Rules. In Exhibit 24 to station WIRS(TV)'s renewal application, you stated that the licensee discovered that the station did not publicize the existence and location of its Children's Television Programming Reports. Moreover, you describe the licensee's corrective measures to ensure future compliance.

Further, in Exhibit 17 to the renewal application, you state that Televiscentro of Puerto Rico, LLC (Televiscentro) acquired station WIRS(TV) in January 2004 pursuant to Commission consent. You claim that following the closing the licensee discovered that the public inspection file maintained by the prior licensee was incomplete. You maintain that the licensee has attempted to locate the missing documents and assemble a complete public inspection file. In addition, you state that since consummation, not all required documents were placed in the public file in a timely manner. You indicate that the file is now being maintained and will continue to be maintained consistent with the Commission's rules.

Our records confirm that on December 11, 2003, the Commission granted an application to assign the license for station WIRS(TV) from Maranatha Christian Network, Corporation to Televiscentro of Puerto Rico, LLC (BALCT-20031016ABP). That assignment transaction was consummated on January 23, 2004. Accordingly, we will not consider the violations reported in station WIRS(TV)'s renewal application which occurred prior to the date on which Televiscentro acquired the license for that station.

However, the violations which occurred after Televiscentro acquired the license for station WIRS(TV) appear to have been isolated occurrences. Although we do not rule out more severe sanctions for violations of this nature in the future, we have determined that an admonition is appropriate at this time. Therefore, based upon the facts and circumstances before us, we ADMONISH you for the violations of Section 73.3526(e)(11)(iii) of the Rules.

In evaluating an application for license renewal, the Commission's decision is governed by Section 309(k) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 309(k). Section 309(k) provides that if, upon consideration of the application and pleadings, we find that (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Communications Act or the Commission's Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse, we are to grant the renewal application.<sup>4</sup> If, however, the licensee fails to meet that standard, the Commission may deny the application – after notice and opportunity for a hearing under Section 309(e) of the Act – or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”<sup>5</sup>

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<sup>4</sup> 47 U.S.C. § 309(k)(1). The renewal standard was amended to read as described by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). See *Order, Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures)*, 11 FCC Rcd 6363 (1996).

<sup>5</sup> 47 U.S.C. §§ 309(k)(2), 309(k)(3).

On balance, we find that Televiscentro's violation of Section 73.3526 does not constitute a "serious violation" of the Commission's rules warranting designation for evidentiary hearing. Moreover, we find no evidence of violations that, when considered together, evidence a pattern of abuse. Further, we find that station WIRS(TV) served the public interest, convenience, and necessity during the subject license term.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to Televiscentro of Puerto Rico, LLC at the address listed above, and to its counsel, Margaret L. Tobey, Esquire, Morrison & Foerster LLP, 2000 Pennsylvania Avenue, N.W., Suite 5500, Washington, D.C. 20006.

Finally, IT IS ORDERED that, the application (File No. BRCT-20041001AVR) of Televiscentro of Puerto Rico, LLC for renewal of license for station WIRS(TV), Yauco, Puerto Rico, IS GRANTED.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau